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UNCLAS SECTION 01 OF 02 HARARE 000301

SIPDIS

SENSITIVE

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER

E.O. 12958: N/A

TAGS: [ECON](#) [EAGR](#) [PHUM](#) [PGOV](#) [ZI](#)

SUBJECT: ANOTHER AMCIT PROPERTY FORMALLY SEIZED

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1. (SBU) Summary. A fourth American-owned property has now received final notice of acquisition from the Minister of Lands, Agriculture and Resettlement. The other forcibly acquired properties now occupy a limbo as their owners pursue various legal challenges and political solutions. Although the most recently acquired property was purchased well after independence and was designated as a "wildlife conservancy," two categories which should have offered some protection, it is unclear whether protests, legal challenges, or personal relationships will be enough to return possession of the property to the Amcit title holders. End summary.

2. (SBU) The Zimbabwean property belonging to two American citizens, Sam and Janet Chambliss, was served with a Section 8 notice, or Final Notice of Acquisition, on January 26, 2003. The Chamblisses bought their property in 1985, and after investing close to US \$750,000, they formally incorporated the property as a wildlife conservancy under Zimbabwe law in 1993. Approximately fifteen separate farms in the Midlands province were served with Section 8 notices that same weekend, despite the GOZ's oft-repeated claim last November and December that "the land resettlement program is now complete." Post responded, as we have for other American citizens in similar situations, with a diplomatic note of protest addressed to the Foreign Ministry, which has gone unanswered.

3. (SBU) In this case, Ambassador Sullivan also called the Governor of the Midlands province, Cephas Msipa, to discuss the forced acquisition. Governor Msipa is a personal friend of the Chamblisses and had previously managed to cushion them to some degree from the chaotic land grab. In one instance during the fall of 2002, while the Chamblisses were in the United States on personal business, a Harare physician showed up at the rural property and advised the caretaker that he was there to claim the farm. The Chamblisses contacted Governor Msipa from the US; Msipa assured them that the claimant was not legitimate and that they could ignore the attempted land-grab and return to their property.

4. (SBU) Governor Msipa advised the Ambassador that he had spoken with the Chamblisses the day before his conversation with the Ambassador. Msipa claimed that he did not understand why the new Section 8 notices had gone out, since the GOZ had agreed on December 8 not to notify any conservancy owners of impending acquisition until a general land policy toward conservancies was agreed upon and implemented. Msipa feared that Minister of Lands, Agriculture and Resettlement Joseph Made made the decision to seize the Midlands properties on his own. Msipa stated that he had already raised the issue of both the conservancy status of the property as well as US citizen ownership with Vice President Msika and other relevant ministers.

5. (SBU) In a recent meeting with Laboff, Ambassador Lucas Tavaya, Permanent Secretary of the Ministry of Environment and Tourism, argued that that "many" farmers had previously chosen to turn productive farmland to the cultivation of wildlife, to their personal benefit and the detriment of Zimbabwe's food security. Laboff was further advised that "(private) conservancies were not recognized under Zimbabwe law." When pressed with the question of whether the GOZ refused to recognize the existence of private conservancies such as Malilangwe, Save Valley Conservancy, and Bubiana Conservancy, Ambassador Tavaya backtracked and stated that "most farms calling themselves conservancies did not meet the definition of a conservancy." It may be that this latest sweep of Section 8 notices is merely intended to seize white commercial farmland that had previously fallen through procedural cracks. However, Ambassador Tavaya's ambiguous comments about the legal status of conservancies may indicate that the GOZ is attempting to sidestep its previously stated support of private conservancies in order to justify forced acquisition. Against a concerted GOZ attempt to acquire wildlife conservancies, simply calling a farm a "conservancy" -- regardless of the legal steps taken to dedicate such farms to wildlife conservation -- will no longer offer any

protection to landowners.

16. (SBU) At this point, it appears that the Section 8 notice gives the Chamblisses ninety days to vacate their property -- forty-five days to wind up their "farming" operations, and a further forty-five days to vacate their homestead. Although they must vacate this property within the stipulated period, the Chamblisses would retain, nonetheless, the right to pursue their case through the courts. It is unclear whether the intervention of Post or of Governor Msipa will help the Chamblisses retain possession of their property.

SULLIVAN